

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**SCOT K. SMITH,**

**Plaintiff,**

**V.**

**CACH, LLC,**

**Defendant.**

**Case No.: 4:16-CV-876-VEH**

## ORDER

The court has been advised that CACH, LLC, the Defendant in the above-entitled cause, has filed a petition in bankruptcy under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, Case No. 17-10663 (doc. 21), which petition operates as a stay of these proceedings pursuant to 11 U.S.C. §362. On the court's own motion, it is therefore **ORDERED, ADJUDGED** and **DECREED** that this action is **DISMISSED**, but without prejudice to plaintiff's right to have this action reinstated in order to pursue any claim embraced herein and not adjudicated in, or discharged by, the proceedings in the bankruptcy court. Such reinstatement, if and when allowed, will cause the filing date of any claim so reinstated to relate back to the original filing date of this action. Any such petition for reinstatement must be

filed within sixty (60) days after the bankruptcy court has taken the action which entitles plaintiff to seek reinstatement. The parties shall bear their own costs therein.

A copy of this order shall be forwarded by the Clerk to the bankruptcy court.

**DONE** and **ORDERED** this 23rd day of March, 2017.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", is written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**  
United States District Judge